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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,607	02/10/2004	Alois Conte	16638	1613

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EXAMINER

TRINH, MINH N

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,607

Applicant(s)

CONTE, ALOIS

Examiner

Minh Trinh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-18 is/are allowed.
- 6) ☒ Claim(s) 1,2,6-11 and 15 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Receipt is acknowledged of the "conditional" request for a RCE filed on 7/05/2005 is acceptable and a RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 7-10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Conte (6,357,575).

As applied to claims 1 and 9, Conte discloses a wire or cable processing device comprising: at least one swivel-arm feeder for feeding the cable to the processing stations comprising: a swivel-arm 14 having one end mounted for swiveling movement and linear movement a gripper 4 or 5 mounted on an opposite end of said swivel-arm capable of gripping and releasing a cable-end; and an actuator 23 or 28 arranged on said swivel-arm 14 and being connected to actuate said gripper 23 or 28 (see Figs.1-4, and the discussed at col. 2, lines 52- 67, etc.,).

Limitations of claims 2, 7-8, 10 and 11 are also met by Conte (see Fig. 2, shows that the actuator is mounted on the swivel arm 19 and between the two ends).

4. Additionally, Claims 1, 2, 7-10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Viviroli et al (6,886,438).

Viviroli et al disclose a processing device having processing stations capable of processing an electrical cable comprising: a swivel-arm 4 having one end adapted to be mounted for swiveling movement and linear movement a gripper 5 mounted on an opposite end of said swivel-arm 4 capable of gripping and releasing a cable-end; and an actuator arranged on said swivel-arm P2 and being connected to actuate said gripper 5 (see Fig.1 and the discussed at col. 2, lines 19-41, etc.,).

Limitations of claims 2, 7-8, 10 and 11 are appeared to be met by Viviroli et al (see Fig. 1, shows that the actuator is mounted on the swivel arm 19 and between the two ends).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 15 as understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Conte or Viviroli et al in view of Tega et al (4,733,457).

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It appears that Conte or Viviroli et al does not teach the configurations where the actuator is being mounted through an interior of the swivel arm. Tega et al teach the above feature (see Fig. 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the Tega's teaching of the actuator being connected through an interior of the swivel arm onto the invention of Conte/ Viviroli et al in order to form a desired structure having the configuration as described above.

Furthermore, it would have been an obvious matter of design choice to choose any desired location of the actuator including the described above since applicant has not disclosed that the actuator being connected through an interior of the swivel arm is critical, patentably distinguishing features and it appears that the invention would perform equally well with the configuration as taught by each of the prior art references

Limitation of claim 15 is also met as the above discussion.

Response to Arguments

7. Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

a) Claims 16-18 are allowed for reasons from prior Office letter.

b) Claims 3-5 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (703) 305-2887. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mt

8/29/05

A handwritten signature in black ink, appearing to read 'Minh Trinh', followed by a horizontal line.

Minh Trinh
Primary Examiner